

REMARKS

Claims 1, 5, 7 and 11 are amended. Claims 13-16 are cancelled without prejudice or disclaimer, for the purpose of expediting an allowance of the application with the remaining claims, where Applicant reserves the right to continue to seek patent protection for the subject matter of cancelled claims in this or other applications.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over “applicant’s admitted prior art in view of Potrebic (US Patent No. 6,798,971). This rejection is respectfully traversed, as follows:

Applicant’s respectfully traverse the Examiner’s characterizations of the claimed invention and various features thereof as being admitted prior art at least for reasons discussed below.

Furthermore, claim 1 is amended herein to include features of dependent claims 2 or 3. As amended herein, claim 1 recites a programmable device that comprises a computer readable medium storing programming code for controlling the device to perform processing including, among other features: ”presenting a user interface that displays characteristics represented in the metadata of a program or segment; receiving user selections with respect to the displayed characteristics; and updating viewer preferences in accordance with the user selections; wherein the program or segment for which characteristics are displayed is a currently viewed program or segment.”

Neither the alleged admitted prior art nor the Potrebic reference, alone or in the combination suggested by the Examiner, meets claim 1, as amended. In particular, neither the applicant’s statements in the cited paragraphs of the present application (cited by the Examiner as admitted prior art) nor the Potrebic reference teach or suggest a device that presents a user interface that displays characteristics in the metadata of a **currently viewed** program or segment, and updating viewer preferences in accordance with user selections with respect to the displayed characteristics.

The Potrebic reference does not disclose or suggest updating viewer preferences, much less doing so in accordance with user instructions regarding displayed characteristics of a **currently viewed** program or segment. Moreover, the Examiner did not cite the Potrebic reference for that purpose.

Instead, the Examiner states that applicant's admitted prior art in Figs. 1 and 2 and paragraphs [0005] and [0006] describe presenting a user interface that displays characteristics represented in metadata of a program or segment. The Examiner further stated that "updating viewer preferences in accordance with the user selections" is described in paragraph [0007] as admitted prior art. In addition, in addressing dependent claim 2, the Examiner stated that Applicant's admitted prior art in paragraph [0009] discloses "wherein the program or segment for which characteristics are displayed is a currently viewed program."

However, the cited paragraphs [0005], [0006], [0007] and [0009] do not disclose updating viewer preferences, much less doing so in accordance with user instructions regarding displayed characteristics of a **currently viewed** program or segment.

Instead, paragraphs [0005] and [0006] describe devices and services in which a graphical user interface is presented to the viewer as an electronic program guide EPG (as shown in Fig. 1). The graphical user interface is described and shown as a grid that lists programs by title and time. When a viewer places a cursor on a field of the grid for a particular program, that grid field is highlighted and information about that program is displayed in a window portion 22 of the guide. There is no description in paragraphs [0005] and [0006] or Fig. 1 that discloses or suggests **updating viewer preferences**, much less **updating viewer preferences** in accordance with user instructions regarding displayed characteristics of a **currently viewed** program or segment.

Paragraph [0007] describes that the guide of paragraphs [0005] and [0006] allows a viewer to update viewing preferences by indicating that the viewer is interested or disinterested in programs having characteristics of a program currently highlighted in the guide. However, that paragraph does not state that viewer preferences are updated in accordance with user instructions regarding displayed characteristics of a **currently viewed program** or segment. Instead, the paragraph describes allowing a viewer to update preferences for characteristics of a

program highlighted on the grid. In other words, paragraph [0007] describes updating preferences while using (viewing) the grid (not a currently viewed program).

The Examiner cited applicant's paragraph [0009] as disclosing that the program or segment for which characteristics are displayed is a currently viewed program. However, paragraph [0009] refers to "another type of interactive feature" (not the features described in paragraphs [0005] - [0007]). The *other* type of interactive feature referred to in paragraph [0009] is described as a conventional interactive banner that is displayed over an image of a program that is currently viewed. There is no disclosure of updating user preferences during or in connection with the display of a banner described in paragraph [0009]. The display of a banner (while occurring when a program is viewed) does not provide any mechanism for updating viewer preferences. Instead, as noted above, paragraphs [0005]-[0007] describe an EPG grid that is viewed while updating viewer preferences, the display of a banner (as described in paragraph [0009] occurs when viewing a program and does not occur when viewing the grid.

Thus, the combination of paragraphs [0005]-[0007] and [0009] cited by the Examiner for allegedly admitting that updating viewer preferences, does **not** disclose doing so where the program for which characteristics are displayed is a **currently viewed program**. Rather, paragraph [0007] describes the user preferences as being updated from a displayed EPG grid, such that the EPG grid is currently displayed to the user during preference updating (not a currently viewed program). Accordingly, the Examiner's citation to applicant's alleged admission of prior art in paragraphs [0005] -[0007] and [0009] (or other portions of the application) does not present a prima facie case of obviousness with respect to the device recited in claim 1. The rejection of claim 1 is, therefore, respectfully traversed.

Claims 2-4 are dependent on claim 1 and are distinguished from the references of record at least for reasons as noted above with respect to claim 1.

Independent claims 5, 7 and 11 are distinguished from the references of record, at least for reasons similar to those discussed above with respect to claim 1. In particular, each of claims 5, 7 and 11 are amended herein to recite that the program or segment for which characteristics are displayed is a currently viewed program or segment. As discussed above, the Examiner's citation to paragraph [0009] as disclosing that the program or segment for which characteristics

are displayed is a currently viewed program is improperly associated with the grid features described in paragraphs [0005]-[0007]. Thus, for reasons similar to those discussed above with respect to claim 1, it is also submitted that claims 5, 7 and 11 are also distinguished from the references of record.

Claim 6 is also distinguished from the references of record, in that claim 5 recites “in response to a command, updating viewer preferences stored by the device in accordance with segment characteristics represented in the segment metadata of a currently viewed segment. As discussed above, the cited paragraph [0007] describes updating user preferences from a displayed EPG grid, not in accordance with segment characteristics of a currently viewed segment. Furthermore, the cited paragraph [0009] relates to displaying a banner over a currently viewed program, but has nothing to do with updating preferences. Thus, claim 6 is distinguished from the references of record, for reasons similar to those discussed above with respect to claim 1. Similar comments apply to claim 12.

Claims 8-10 are dependent on claim 7 and are distinguished from the references of record at least for reasons as noted above with respect to claim 7.

Accordingly, it is submitted that claims 1-12, as amended herein, are patentably distinguished over the references of record.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over “applicant’s admitted prior art in view of Potrebic (US Patent No. 6,798,971) and Goldman (U.S. Patent Application Publication No. 2002/0112239. This rejection is moot in view of the cancellation, without prejudice or disclaimer, of claims 13-16.

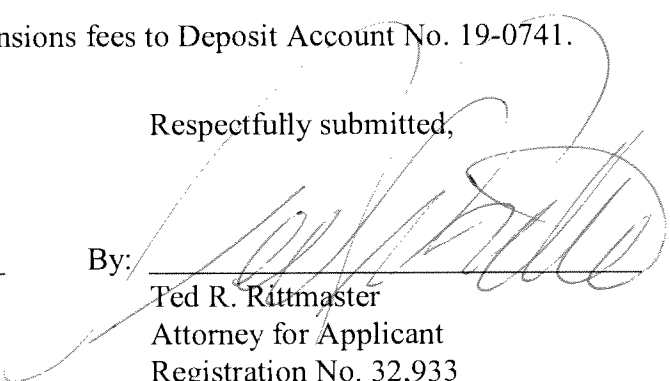
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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